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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,876	02/20/2002	Mark Thomas Lavelle	9623E-035100	9901

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EXAMINER

SOBUTKA, PHILIP

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/081,876

Applicant(s)

LAVELLE ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,5,14-16,18 are rejected under 35 U.S.C. 102(b) as being anticipated by Cortopassi et al (US 5,974,558)

Consider claim 1. Cortopassi teaches a wireless interface for linking with a host comprising: a transceiver for exchanging data with a host transceiver connected to the host (Cortopassi see especially fig 1, items 116, col 4, lines 10-34); a processor connected with the transceiver to process data from the host and the interface (Cortopassi see especially fig 1, item 112, col 5, lines 3-15); and a power circuit connected with the processor to regulate the power usage of the interface wherein the power circuit comprises a battery (Cortopassi see especially fig 4, item 131), computer readable media (Cortopassi see especially col 6, line 62 – col 7, line 4) having computer instructions monitoring the operational state of the interface and controlling the operation of the interface using the state of the interface (Cortopassi see especially col 6, line 58- col 11, line 22).

As to claims 2, 16, note that Cortopassi teaches keeping the interface at a lower power level when the transceiver is not exchanging data (Cortopassi see especially col 9, lines 60-66).

As to claim 4, 18, note that Cortopassi teaches reducing power if the interface has been idle for a predetermined time period (Cortopassi see especially col 6, line 58-col 11, line 22).

As to claim 5, note that Cortopassi teaches powering up in response to an input (Cortopassi col 9, lines 1-60) and has a routine for establishing links with the host (Cortopassi see especially col. 11, lines 23-43).

As to claims 14,15, note that Cortopassi teaches monitoring and displaying status of the device (Cortopassi see figures 31-36, col 50, lines 15-55), and a screen saver for deactivating the display after a predetermined time (Cortopassi see especially figs 39, 40).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9-13,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi in view of Shahoian et al (US 2002/0033795).

Cortopassi teaches everything claimed except for a motor for providing force, also known as haptic feedback to the operator of the interface, and a battery level monitor for reducing the power for haptic feedback when the battery power is below a level. Shahoian teaches a wireless interface with motor for haptic feedback which can be reduced or even turned off based on power level (Shahoian para. 183) Shahoian teaches that this conserves battery power in the device (Shahoian para. 183), while enhancing the user experience by providing haptic feedback when using the device (Shahoian para. 006, 007). Note that Shahoian's battery monitor also indicates the battery level (Shahoian para 183). It would have been obvious to one of ordinary skill in the art to modify the interface of Cortopassi to provide haptic feedback with the battery level monitor and adjustment as taught by Shahoian in order to enhance the user experience by providing force feedback while conserving battery power.

6. Claims 3, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi in view of Gurantz et al (US 4837786).

Cortopassi teaches everything claimed except for using a lower data rate to maintain synchronization. Gurantz teaches using high data rate for information exchange, while lower data rates are used maintain synchronization. Gurantz teaches that the lower data rate is more resistant to interference; therefore the device is more

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likely to remain synchronized (Gurantz col 3, lines 30-51). It would have been obvious to one of ordinary skill in the art to modify Cortopassi to use a high data rate for information exchange, while lower data rates are used maintain synchronization as taught by Gurantz since the device is more likely to maintain synchronization using the lower data rate.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi in view of Green et al (US 4531740).

Cortopassi teaches everything claimed except for using a voltage regulator to lower or increase the power output from the battery. Green teaches using a voltage regulator to maintain stable output from a battery in a wireless device (Green col 6, lines 8-24) it would have been obvious to one of ordinary skill in the art to modify Cortopassi to use a voltage regulator to lower or raise the output from the battery in order to ensure a stable output from the battery as taught by Green.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg et al (US 5,734,373) has been cited to show the use of haptic (Force) feedback in a human interface device.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
May 27, 2003

  
NAY MAUNG  
PRIMARY EXAMINER